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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Madsen et al. Inventor(s)

09/813,522 Serial No.

March 21, 2001 Filing Date Dynamic Software Code Instrumentation Method and System 2191 Group Art Unit

For

Qamrun Nahar Examiner

Alexandria, VA 22313-1450 Commissioner for Patents P.O. Box 1450

## DOUBLE PATENTING REJECTION OVER A PRIOR PATENT APPLICATION TERMINAL DISCLAIMER TO OBVIATE A

of the statutory term of any patent granted on the instant application, which would extend beyond commonly owned. This agreement runs with any patent granted on the instant application and is presently shortened by any terminal disclaimer, of prior U.S. Patent entitled Dynamic Software identified application. The owner hereby disclaims, except as provided below, the terminal part Code Instrumentation With Cache Disabling Feature, issued on May 28, 2002 and assigned application shall be enforceable only for and during such period that it and the prior patents are WIND RIVER SYSTEMS, INC. is the owner of 100% percent interest in the above-Patent No. 6,397,382. The owner hereby agrees that any patent so granted on the instant the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as binding upon the grantee, its successors or assigns.

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made becein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are purishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Date:

Michael J. Marcin, Esq. (Reg. No. 48,198)

[X] Terminal disclaimer fee under 37 CFR 1.20(d) included.

[X] PTO suggested wording for terminal disclaimer was

[X] unchanged,

[ ] changed (if changed, an explanation should be supplied).